

Interpretation of §192.611

Acting Director, DMT-20

Chief, Central Region, DMT-213

Your memo of April 3, 1978, asks when the 18-month period under §192.611(e)(2) for confirmation or revision of MAOP begins to run.

You have suggested three possible times: (1) When a structure or dwelling is completed which results in a class location change under §192.5; (2) When an operator discovers during a population survey that such a structure is completed; and (3) When the study required by §192.609 is completed.

Section 192.611(e)(2) provides that confirmation or revision "required as a result of a study under §192.609 must be completed within 18 months of the change in class location.

By the plain meaning of this rule, an operator has 18 months from the time a change in class location occurs to complete the confirmation or revision. As you have indicated by alternative (1) above, a change in class location occurs when a structure is completed which results in a new class location. Consequently, the 18-month period begins upon completion of a structure which results in a new class location.

There does not appear to be a good reason to adopt a less strict interpretation of this requirement. We presume that alternative (2) above is suggested because operators feel it is unfair for the 18-month period to begin to run before they know about a change in class location. However, operators are required by §192.613 to survey their facilities for changes in class location. Moreover, as indicated by the 1971 Tatlock letter, to comply with §192.611(e)(2) operators must be "constantly on the alert for changes in class locations." If frequent surveys are conducted, the time between the occurrence of a change in class location and its discovery should not be significant enough to make the strict interpretation unfair.

The regulations do not support the theory that the 18-month period begins when a §192.609 study is completed. Under §192.609, an operator must make the study "whenever an increase in population density indicates a change in class location." Thus, the 18-month period begins at essentially the same time as the study, not when it is completed.

Cesar DeLeon

## **SPEED MEMO**

**SUBJECT:** Interpretation request §192.611

**TO:** Acting Director, OPSO, DMT-20

We are requesting an interpretation of §192.611, change in class location: confirmation or revision of maximum allowable operating pressure. §192.611(e)(2) states that confirmation or revision due to changes in class location that occur on or after July 1, 1973 must be completed within 18 months of the change in class location. It has been the contention of this office that a change in class location occurs at the time of completion of construction of a dwelling or other structure, the location of which requires a class location change according to the requirements of §192.5. We, therefore, feel that the confirmation or revision of maximum allowable operating pressure (MAOP) must be completed by the operator within 18 months of the time of completion of the structure or dwelling.

Others have expressed the opinion that the operator has 18 months from the date of their determination that there has been a class location change to confirm or revise the MAOP. This may also be broken down into two schools of thought. One, that the 18 month time interval begins when field personnel making a population density survey discover that a new structure has been completed; the second, that the 18 month time interval begins at the time of completion of a detailed study to determine whether or not a class location change has occurred.

Your interpretation is requested in regard to the time at which this 18 month period begins. I am attaching two interpretations which were made in 1971 in regard to this matter. The first, dated November 11, 1971, addressed to Mr. Richard Tatlock, President, Coastal Research Corporation; the second dated December 9, 1971, addressed to Mr. Bill Barry, Staff Engineer, Pioneer Natural Gas Company. The first interpretation states that an operator must be constantly on the alert for changes in class location. It further states that it does not mean that he may take action 18 months after he discovers such a change. This interpretation would tend to reinforce the Central Region's opinion. The second interpretation states that §192.611 requires that a confirmation or revision of MAOP take place once a change in class location becomes apparent. That statement leans toward the opinion expressed by those parties which feel that the 18 month time interval does not begin until the operator is aware of the class location change.

Mr. Bill Barry  
Staff Engineer  
Pioneer Natural Gas Company  
Post Office Box 511

Amarillo, Texas, 79105

Dear Mr. Barry:

This is in reply to your letter of October 22, 1971 in which you requested an opinion as to how to qualify a pipeline installed in a Class 3 location in 1956. You have quoted material from the preamble to the Federal safety standards issued in August 1970 and an opinion set forth in the Office of Pipeline Safety Advisory Bulletin of September 1971. This material is not regulatory, and we must look to the specific regulation on class location to answer your inquiry.

Section 192.607 of the Federal safety standards is designed to assure that all existing pipelines are operated at a pressure commensurate with their present class locations as of April 15, 1971. It requires a study of all existing pipelines and refers to the provisions of Section 192.611 to assure that confirmation or revision is accomplished after the study is completed. Section 192.609 is directed at class location changes which take place after April 15, 1971. This section also relies on Section 192.611 to assure that proper confirmation or revision takes place once a change in class location becomes apparent.

The "grandfather" clause in Section 192.619(c) permits continued operation of pipelines at existing operating pressures. However, this paragraph also refers to Section 192.611 and thus is qualified by the requirements for confirmation or revision to the extent that the higher pressures are not commensurate with the existing class location of the pipeline. The opinion quoted in the OPS Advisory Bulletin explains this relationship between the "grandfather" clause and the operating pressures provided for under Section 192.611. In that opinion, only pipelines that are presently in Class 1 locations would be exempt from having to be confirmed or revised in accordance with Section 192.611 if the operating pressure is not commensurate with the class location.

As you may know, Section 192.607 and 192.611 were amended, effective September 7, 1991, to extend the time for confirmation or revision of these maximum allowable operating pressures.

We trust that this will clarify any questions that you might have. If there is still a problem, please contact me.

Sincerely,

Joseph C. Caldwell, Director

Mr. Richard Tatlock, President  
Coastal Research Corporation  
30 Lancaster Street  
Boston, Massachusetts 02114

Dear Mr. Tatlock:

This is in further response to your letter of inquiry dated, September 27, 1971, concerning class locations and periodic updating and review. We trust that the following answers to your questions will resolve your problems.

Question: Would a 5" wide strip black and white map satisfy the Act's requirements?

ANSWER: If the strip map that you refer to is capable of supplying the needed information to determine the class location, then it would be satisfactory. The method of gathering the required information is not specified. The regulations are in terms of performance standards.

QUESTION: We are unclear exactly what is required for annual class location updating.

ANSWER: There is no requirement for an annual updating for the class location. Amendment 192-5 (copy enclosed) effective September 7, 1971, does require in §192.611(e)(2) that confirmation or revision of the maximum allowable operating pressure due to changes in class location that occur on or after July 1, 1973, must be completed within 18 months of the change in class location. This means that for operators having lines operating at or above 40% SMYS the operator must be constantly on the alert for changes in class location, and if necessary take action within 18 months of the change in class location. It does not mean that he may take action 18 months after he discovers such a change.

QUESTION: By what annual date is the class location updating required?

ANSWER: There is no particular date given. Section 192.613 requires continuing surveillance, and conformance to the applicable regulations.

QUESTION: Are class location maps required to be filed with either your office or State safety offices?

ANSWER: The Office of Pipeline Safety does not require that these be filed with any agency, although on intrastate lines some States may have such requirements. The Office of Pipeline Safety would expect such records to be available on request.

We are happy to have this opportunity to be of service. If you have any further questions, please contact us.

Sincerely,

/signed/

Joseph c. Caldwell  
Acting Director  
Office of Pipeline Safety

Enclosure